

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, January 19, 2001 – 8:00 a.m.  
State Fairgrounds, Wildlife Building  
17<sup>th</sup> Avenue & McDowell Rd.  
Phoenix, AZ

PRESENT: (Commission)

Director's Staff

Chairman W. Hays Gilstrap  
Commissioner Dennis D. Manning  
Commissioner Michael M. Golightly  
Commissioner Joe Carter  
Commissioner Sue Chilton

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk  
Asst. Director Bruce D. Taubert,  
Wildlife Management Division

Chairman Gilstrap called the meeting to order at 8:12 a.m.

1. Executive Session – Legal Counsel

- a. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Babbitt*, CIV 98-0632-PHX-ROS; *Arizona Desert Bighorn Sheep, Inc. v. Shroufe*, CIV-99-0377; *Conservation Force v. Shroufe*, CIV 98-0239 PHX-RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Center for Biological Diversity v. Dombeck et al*, CIV00-1711-PHX-RCB and *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754.

1. Executive Session – Personnel Matters

- b. Discussion of matters including the Director's goals and objectives.

**Motion:** Manning moved and Golightly seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

\* \* \* \* \*

Meeting recessed 8:12 a.m.

Meeting reconvened 8:35 a.m.

\* \* \* \* \*

Chairman Gilstrap called the meeting to order at 8:35 a.m. and introduced members of the Commission and Director's staff. Director Shroufe, Deputy Director Ferrell and Commissioner Joe Carter were absent in the morning due to the Department's budget hearing in the Legislature. Bruce Taubert, Assistant Director for the Wildlife Management Division, acted on behalf of the Director and Deputy Director until they arrived at the meeting. The meeting followed an agenda dated December 29, 2000.

\* \* \* \* \*

## 2. An Update of Current Issues, Proposed Resolutions, and Decisions regarding Management of Federal Lands in Arizona

**Presenter:** John Kennedy, Habitat Branch Chief

A copy of the printed update, which was given to the Commission prior to today's meeting, is included as part of these minutes.

More current information was provided on Supplement #2 to the Master MOU between the Commission and the Forest Service. The Department met with the Apache-Sitgreaves (A-S) National Forests. Even though the supplement was successful, A-S staff felt uncomfortable with working with the Department on a specific document and asked that focus be on improving the Master MOU. The Department plans on doing so.

More current information was provided on the Barry M. Goldwater Range cooperative agreement that the Department has been working on with the Governor's Office, Department of Defense, and Department of the Interior. The document has been signed.

Commissioner Golightly asked about equipment restrictions, (e.g., game carriers) on the newly proclaimed national monument. This monument consists of 500,000 acres east of the Goldwater Range. Mr. Kennedy stated restrictions were possible at this point due to the Bureau of Land Management's interpretation of the proclamations. The Department would work hard to insure restrictions did not occur. These areas seem to have a wilderness management tone to them, but they do not need to be managed that way.

With regard to national wildlife refuges, Mr. Kennedy stated that the Buenos Aires National Wildlife Refuge (NWR) planning is rapidly moving. The Department assisted in the development of a draft comprehensive conservation plan (Plan) and Environmental Assessment (EA) for the refuge. Coordination between the two agencies has slipped and there are some issues that need to be resolved regarding wildlife-related recreation, i.e., hunting and access on the refuge. Coordination matters on the Cabeza Prieta NWR were going well.

Commissioner Chilton thought there were disturbing aspects to the Buenos Aires NWR draft Plan and EA. It constitutes an unacceptable effort by the refuge manager to usurp the Game and Fish Department's management policy responsibility for game. Examples were read from Objective 8 (page 110) of the draft Plan.

1. The Refuge would implement a permitting system and limit the number of hunt permits on the Refuge and in addition to the Department's granting of licenses, tags and permits, there would be a second level of permitting.
2. All roads on the Refuge would be evaluated to determine which hunter access roads can be eliminated.

The next strategy is that the refuge would develop its own predator management plan separate from the plan that is being developed by the Commission and Department.

Commissioner Chilton stated there were more examples of an effort by the U.S. Fish and Wildlife Service (FWS) to take over the Commission's responsibility to set policy for management of Arizona's wildlife. She requested that the Commission AUTHORIZE

THE DIRECTOR AND MR. KENNEDY TO DEVELOP A LETTER OPPOSING THESE FEATURES IN THE DRAFT MANAGEMENT PLAN AND INSISTING THAT THE FEDERAL AGENCY RESPECT THE RIGHT AND PRIVILEGE OF THE ARIZONA GAME AND FISH COMMISSION TO MANAGE WILDLIFE IN THE STATE OF ARIZONA.

**Motion:** Manning moved and Golightly seconded COMMISSIONER CHILTON'S DIRECTION.

Mr. Kennedy noted that comments were not due on the draft Plan for about another six weeks (early March). The Department did have an agreement with the FWS that it would have an opportunity to review the draft document prior to the public review process. This did not happen. The FWS distributed the document for public review and scheduled public hearings without coordination with the Department. Involvement of the Department at a higher level has increased because of these developments within the last two weeks. The Department is in the process of reviewing the document and has specifically identified those areas Commissioner Chilton raised. The Department opposes those areas in the document.

**Modified Motion:** Manning moved and Golightly seconded THAT IT INCLUDE ANY OTHER PERTINENT RELATED ISSUES THAT THE DEPARTMENT DEEMS NECESSARY.

A letter of opposition would be issued based on whatever points the Department can bring forward to the Commission in addition to the ones already brought forth by Commissioner Chilton.

Mr. Kennedy noted doors have been opened regarding the Buenos Aires NWR and the regional office was waiting to discuss issues with him. It appears there is coordination lacking between the FWS Washington Office, the FWS regional office and the refuge. The regional office seems to not support what the refuge is proposing to do with regard to hunting and access. There are opportunities for the Department to resolve some of the issues in the next month or so.

**Vote on Modified Motion:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

Mr. Kennedy intended to have the Department's comments ready by the February Commission meeting. Chairman Gilstrap encouraged participation by the public that shares the Commission's concerns on these issues.

\* \* \* \* \*

3. Request for the Commission to Approve a Memorandum of Understanding between the Association of Biodiversity Information (ABI) and the Commission for Cooperating in Mutual Endeavors and Sharing Information about Special Status Sites and Species in Arizona

**Presenter:** John Kennedy, Habitat Branch Chief

The Game and Fish Department, through the Heritage Data Management System (HDMS), maintains a centralized, computerized and standardized database of current information on the location, biology and status of special status species of plants and animals in Arizona.

The Association of Biodiversity Information (ABI) is a non-profit organization that works in partnership with the Network of Natural Heritage Programs and Conservation Data Centers and is a leading source for biodiversity information that is essential for effective conservation actions. The ABI helps individual Natural Heritage Programs and Conservation Data Centers to meet local needs and to operate as a network; to share resources and expertise; to cooperatively develop methods, protocols, and systems and to make high quality biodiversity information more accessible and useful.

In the past, ABI and the Department cooperated in development of a computerized database for the purpose of recording "special element" occurrence information; this database is now the Department's HDMS. The HDMS is part of the Network of Natural Heritage Programs and Conservation Data Centers that was successfully established throughout the United States, Canada and Latin America. The ABI now coordinates the databases within the Network.

Mr. Kennedy noted this MOU was not for the specific release of any data; it was an umbrella MOU that provides a mechanism for the Department to develop more specific agreements to do that. Confidential site-specific location data would not be released in cases where the Department anticipated potential harm to the species. The Department would consider only providing data to its partners and other land management agencies and landowners.

Commissioner Manning noted this restriction was not included in the MOU's language. Mr. Kennedy stated that this specific MOU does not address exchange of specific information and where that would occur, there would be a new agreement put in place to accommodate the specific project, grant or issue. He referenced #3, on page 3 of 5 of the MOU and B.3. Commissioner Manning thought that the current language in the MOU was confusing and unclear.

Mr. Kennedy noted that the Department anticipated a lot of data from ABI. Commissioner Manning stated that the information the Department receives from ABI would have restrictions but the information ABI receives from the Department would have no restrictions. Mr. Kennedy stated that was not the intent of the Department and the Department did not see that in the MOU. The MOU was a loose agreement but it could be made clear that once the Department was approached by ABI with regard to a contract or specific project involving the exchange of location data, the Department would enter into a new agreement with ABI at that time. Strict sideboards could be placed on ABI on the use of data. In past agreements, it was clear that the use of data could only be used specifically for work on a particular grant. There were other data and information referred to in the agreement other than species location data.

Commissioner Manning was not comfortable with the MOU in its present form and suggested that it be brought back to the Commission in February to ensure all loopholes were closed.

Mr. Kennedy understood that ABI would have internal restrictions with regard to use and dissemination of data it receives. Sabra Schwartz, Heritage Data Management Program Coordinator, provided more information about ABI and this agreement.

There were two different ways that ABI handled data once it was received. One way was to have an individual heritage program sign a "data use" agreement that limits exactly what can be used with the data. In this agreement, there was more leeway of release of the exact site information. Our standard operating procedure is not to release exact site information without the landowner's or land manager's permission. The Department opted not to sign the data use agreement at this time; the Department wanted to proceed with a MOU that would give options to enter into individual contracts for specific projects so ABI was not free to have our data. The Department would supply a subset of information specific to each project in which it opted to participate. The Department would decide upon the level of information provided and stipulations would be put into individual contracts. The information would be used only for a specific project and the information would be returned upon completion of the project. The information would not be entered into any central database for use in the future (reference was made to B.3 on page 3 of the MOU). The intent of this MOU was to allow ABI and the Department to put a vehicle in place by which they could more easily enter into contracts.

Mr. Kennedy stated that a copy of the protocol would be sent to the Commission. There should be no problem incorporating the language currently discussed in the agreement.

Commissioner Chilton shared Commissioner Manning's concerns. She asked how the receiver would verify and evaluate the supplied data. Mr. Kennedy stated quality control measures were in place in the Heritage Data Management System. Ms. Schwartz provided more information. There was documentation for all information provided. Exact site location was not provided; biologists within the state would provide that information to the Department. Citations used to provide information would be given by ABI and the Department could go back to those original sources as needed.

Currently 47 states are members in ABI. There are about 35 programs that have actual data use agreements signed with ABI. Ms. Schwartz provided more information on this issue.

Commissioner Chilton stated she could support this MOU as long as there was assurance that the Commission would get a chance to look at individual contracts and how our input or data would be passed on to other people or organizations. The Department should have some input about where its data goes and assurances that data received is accurate and useful. Mr. Kennedy stated the Department could insure that this would happen. The Commission would receive additional information to review.

This item would be brought back to the Commission at its February meeting.

**Motion:** Manning moved and Golightly seconded THAT A REVISED MOU BE PRESENTED TO THE COMMISSION AT THE NEXT MEETING TO INCORPORATE ALL CONCERNS THAT WERE RAISED.

The primary issue to be addressed in edited language would be specific as to how the data would be treated and used by ABI once it was obtained from the Department. The intent of the MOU was an umbrella for direction for future agreements. Mr. Kennedy saw no problem with editing the agreement to clarify issues discussed this morning.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

2. An Update of Current Issues, Proposed Resolutions, and Decisions regarding Management of Federal Lands in Arizona – cont'd.

**Member of the public making comment**

Jon Fugate, President of the Yuma Valley Rod and Gun Club (YVRGC), spoke with regard to three issues.

1. The YVRGC, along with the Arizona Desert Bighorn Sheep Society, met with the Interior Secretary on December 14, to discuss constituent concerns on national monuments. There was specific language requested by the constituency and Department to be put in the proclamation. None of the language was incorporated; the proclamation did state that the responsibilities of the Department would not be enlarged or diminished for resident wildlife. This was not adequate.
2. With regard to the Barry M. Goldwater Range cooperative agreement, the Department has the responsibility to manage wildlife on more than two million acres. There would be a public meeting on Saturday. The main topics were to be waterholes and roads and those were to be in an Integrated Natural Resource Plan. The constituency needed access to hunt. The cooperative agreement was very important.
3. Issues affecting the Cabeza Prieta National Wildlife Refuge (NWR) were the same as those Commissioner Chilton brought up regarding the Buenos Aires National Wildlife Refuge. Some issues were resolved; some were not.

Game carriers were no longer allowed on any BLM wilderness area in the state as of January 16, 2001. Mr. Fugate spoke with regard to the Wilderness Management Guidelines for Refuges coming out for the public's review. He was concerned about the use of game carriers and the Department's management of wildlife within the boundaries of the refuge. The U.S. Fish and Wildlife Service may coincide with the U.S. Forest Service, Bureau of Land Management and National Park Service and likewise propose that wheeled game carriers would not be allowed to retrieve legally taken game on refuges.

Mr. Kennedy agreed with Mr. Fugate's comments and added that all federal land management agencies have now adopted the same definition of mechanical transport,

which does prohibit the use of wheeled game carriers in wilderness areas. On the NWRs there is an avenue to work on the issue as far as getting approval for the use of game carriers in order to maintain the hunt programs. If it can be documented that the use of game carriers is essential to maintaining the hunting program on the refuge, the refuge manager and regional office have authority to approve.

\* \* \* \* \*

4. Request for the Commission to Approve the Commercial Lease (No. 03-95720) with the Arizona State Land Department for a Ten-Year Lease of the Lands Occupied by the Kingman Regional Office

**Presenter:** John Kennedy, Habitat Branch Chief

A new 10-year Commercial Lease Agreement has been prepared by the Arizona State Land Department, which will remain current through October 20, 2009, for the lands occupied by the Kingman Regional Office.

**Motion:** Manning moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMERCIAL LEASE (N0.03-95720) WITH THE ARIZONA STATE LAND DEPARTMENT FOR A TEN-YEAR LEASE OF THE LANDS OCCUPIED BY THE KINGMAN REGIONAL OFFICE, AND AMENDMENTS OR MODIFICATIONS AS NECESSARY, WITH THE ARIZONA STATE LAND DEPARTMENT FOR THE KINGMAN REGIONAL OFFICE COMPLEX. THE LEASE IS SUBJECT TO THE APPROVAL OF THE GOVERNOR AND STATE LAND COMMISSIONER.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

5. Statewide Shooting Range Project Update

**Presenter:** Kerry Baldwin, Education Branch Chief

A briefing was sent prior to today's meeting to the Commission.

Commissioner Golightly stated he saw a memo last week from the Coconino National Forest that requested the Department do a reevaluation of the land appraisal involved in the Bellemont Shooting Range. This was requested because Lonnie McCleve sold his property to a corporation. The Department was not aware of the memo.

Mr. Baldwin offered information on what the Department was aware of. The Forest Service appraiser reviewed the appraisal provided by the Department, made comments and those comments were returned to the appraiser. A final appraisal was submitted to the Forest Service for official approval; the Department was waiting for formal approval.

Commissioner Golightly noted the memo in question was sent last week regarding a review of the appraisal because the sale indicated the property was worth more. Mr. Kennedy referenced a meeting Mr. McCleve had with the Forest Service; there was a proposal discussed with the Forest Service and Mr. McCleve regarding the planned purchase of Dr. Nathan's property by Mr. McCleve. Mr. Baldwin noted Mr. McCleve was planning on putting together a package for a small Microtel in the area. These issues may all be related. The Department was not aware of a specific sale.

Mr. Baldwin noted there was another Forest Service twist on the appraisal issue. The land exchange previously needed to be within 25%; Coconino stated they wanted it to be within 20%. Two weeks ago, the Habitat Branch was informed by Coconino that the National Land Exchange Team set a new standard because of abuses in other states that it has to be within 10%. The Commission has enough lands on the table to be able to reach those values.

Commissioner Manning brought up the issue of sighting-in of firearms on State lands. He thought there was a court case that determined that sighting-in was an essential part of the hunting process. He asked why there needed to be a new bill drafted to ensure the court case was upheld. Mr. Baldwin was unsure of the motivation for the bill. He believed it was to clarify the commitment in terms of the State Land Department element.

Mr. Baldwin stated that the Department met with the Director of Pima County Parks and Recreation; a new site would be looked at for a shooting range in Tucson. There was no further news regarding Tucson Rod and Gun Club's shooting range.

\* \* \* \* \*

Meeting recessed 9:38 a.m.

Meeting reconvened 9:55 a.m.

\* \* \* \* \*

## 6. Hunter Education Grant Amendment

**Presenter:** Kerry Baldwin, Education Branch Chief

During the recent federal legislative session, H.R. 3671 (Federal Aid Reform Act) was passed. This Act modified U.S. Fish and Wildlife Service administrative procedures and budget allocations related to Federal Aid programs. One specific element of the changes created a new allocation of funds to states for firearm and bowhunter education safety programs.

The new allocation of \$7.5 million to the current federal fiscal year is available to states that are not currently utilizing the maximum cap of 10% of P-R funds for hunter education. Arizona currently uses about 46% of its possible allocation cap. The new allocation can only be used by a state to reach its current hunter education allocation cap. Any of the new funds available to a state that are over the allocation cap may be used by the state for any eligible P-R projects other than hunter education.

Arizona's allocation of the new dollars has been determined to be \$159,143. The addition of these dollars, which must be matched on a 75/25 match basis, will still keep the Department under the 10% allocation cap. The additional match will come from volunteer time spent on the hunter education program. The new dollars can also be



utilized by the state for shooting range projects that specifically complement the firearm and bowhunting education safety program.

The projection for the federal 2003 allocation is approximately \$169,750. This amount would then stabilize and become a permanent annual allocation available to the Department as long as it stayed below the 10% cap.

**Motion:** Manning moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENT OF THE FY 2002 HUNTER EDUCATION BUDGET TO INCLUDE AN INCREASE OF \$159,143 OF FEDERAL FUNDS.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

10. Request for the Commission Approval of the Narrative for the U.S. Coast Guard Boating Safety Funds Allocated for Federal FY 2000

**Presenter:** Leonard Ordway, Law Enforcement Branch Chief

The revised program narrative that was provided earlier to the Commission described in detail the program objectives based on the needs of the boating public now and in years to come, and the Department's current mission statement.

During the narrative time period (October 1, 2000 to September 30, 2001), supplemental funds will be provided to the Department for Regional and Phoenix-based boating safety programs during the state FY 2001. The narrative also refers to the Department's changing role in the field of boating safety.

The number of registered boats in Arizona has continued to climb. Even with the recent change in registration regulations requiring only motorized vessels to be registered, registration numbers are 152,134.

The Department has received over 2,000 requests for the Boating Safety and Education class and certified 1,004 boat operators this past year. The Boating Education Specialists have increased the effectiveness of the program by establishing a more regular class schedule and by increasing the cadre of volunteer instructors. Currently, there are 70 volunteer instructors in the Boating Safety and Education Program.

Although most of the Program is funded out of the Department's Watercraft Licensing Fund, the U.S. Coast Guard Boating Safety grant money is a very important supplement. Budget requests and estimated costs are:

Field Operations/Law Enforcement Branch

Investigative support	\$ 68,450
Two ¼ FTEs for communications support	\$ 18,000
Upkeep on the 27 active repeater towers/Computer Aided Dispatch and Case Management System	\$ 60,000
Law Enforcement Officer Training Support	\$ 5,000

Field Operations/Regions

On-the-water patrol and regional watercraft registration systems	\$401,349
--	-----------

Information and Education

Boater Education Course	\$ 37,700
Aids to Navigation	\$ 45,000
Watercraft Registration	\$ 8,000

<u>Cost Transfer</u>	\$179,372
----------------------	-----------

<b><u>Total Estimated Cost</u></b>	\$822,871
------------------------------------	-----------

The Department will continue to participate in boating safety statewide throughout the year. It will accomplish this through:

1. Maintaining training for officers in boating enforcement
2. Continuation of the statewide Boating Education Project
3. Replacing boating safety equipment
4. Maintaining boating safety facilities for both the Department and public
5. Maintaining communication equipment within the Department
6. Maintaining an effective watercraft registration program

**Motion:** Manning moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE PORTION OF OUR DEPARTMENT'S BOATING SAFETY PROGRAM FUNDED OUT OF U.S. COAST GUARD FUNDS PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

12. Request to Modify Article 5 Five-Year Review Report and to Approve Additional Title 5 Proposed Rulemaking

**Presenter:** Mark Naugle, Rules and Risk Management Manager

(For additional background information, see Commission meeting minutes for October 21, 2000, pages 30-31.)

The Governor's Regulatory Review Council (GRRC) staff returned the report to the Department with suggestions for minor grammatical and stylistic changes, which the Department made. The report was then resubmitted to GRRC and was returned once again with additional suggestions for minor stylistic modifications and with a recommendation that the following rules be modified to conform to the Secretary of State's standard for clarity and conciseness:

- R12-4-504. Staggered Watercraft Registration Schedule; Penalty for Late Registration
- R12-4-513. Watercraft Casualty Reports
- R12-4-515. Display of Numbers and Decals
- R12-4-516. Watercraft Sound Level Restriction
- R12-4-518. Regattas
- R12-4-519. Reciprocity
- R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation

The Department planned to honor GRRC staff recommendations by stating in the five-year report that nonsubstantive changes will be evaluated during the rulemaking process to improve the readability of the seven rules. If the request is approved, the Department anticipates beginning of the rulemaking process in March 2001.

**Motion:** Golightly moved and Manning seconded THAT THE COMMISSION VOTE TO APPROVE MODIFICATION TO THE ARTICLE 5 FIVE-YEAR REVIEW REPORT AND THAT R12-4-504, R12-4-513, R12-4-515, R12-4-516, R12-4-518, R12-4-519 AND R12-4-521 BE REVIEWED FOR CLARITY, CONCISENESS, AND UNDERSTANDABILITY AS A PART OF THE ARTICLE 5 PROPOSED RULEMAKING PROCESS.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

13. Request to Adopt Notice of Final Rulemaking

**Presenter:** Mark Naugle, Rules and Risk Management Manager

(For additional background information, see Commission meeting minutes for October 21, 2000, pages 24-30.)

Nonsubstantive modifications suggested by the Governor's Regulatory Review Council (GRRC) for resubmittal affect the following rules:

- R12-4-313. Lawful Methods of Taking Aquatic Wildlife; Restrictions
- R12-4-406. Restricted Live Wildlife
- R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife
- R12-4-411. Minnow Dealer's License

The following two nonsubstantive modifications were made to R12-4-313 at the October 21, 2000 Commission meeting.

1. A provision was added to allow seine nets as a legal method of take for crayfish, provided the net does not exceed 10' in length and 4' in depth, and
2. In the description of traps allowed for the take of crayfish, the trap dimension entrance size requirement was removed.

The Department filed the Notice of Final Rulemaking with GRRC, but the Notice was returned to the Department with a significant number of nonsubstantive stylistic changes designed to conform the Notice to the requirements of GRRC and the Secretary of State's office.

At the October 21, 2000, meeting, the Commission also directed the Department to modify the proposed rulemaking language of R12-4-316 to include an exemption pertaining to the possession and transportation of live crayfish in the Yuma area.

This action by the Commission necessitated the filing of a Notice of Supplemental Proposed Rulemaking for R12-4-316. The other four rules (R12-4-313, R12-4-406, R12-4-407 and R12-4-411), which are a part of the attached Notice of Final Rulemaking, are now split from R12-4-316 and are proceeding along a revised rulemaking timeline toward the filing of the Notice of Final Rulemaking with GRRC on February 15, 2001. If approved, the rules would become effective in July 25, 2001. R12-4-316 is likewise proceeding toward the filing of a separate Notice of Final Rulemaking, but is now doing so as a part of a separate Supplemental Proposed Rulemaking process, which will be submitted to the Commission at its February 2001 meeting.

**Motion:** Golightly moved and Manning seconded THAT THE COMMISSION VOTE TO ADOPT THE NONSUBSTANTIVE MODIFICATIONS SUGGESTED BY THE GOVERNOR'S REGULATORY REVIEW COUNCIL TO 12-4-313, R12-4-406, R12-4-407 AND R12-4-411 AS PROPOSED AND TO FILE NOTICE OF FINAL RULEMAKING WITH THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

14. Request to Adopt Notice of Final Rulemaking

**Presenter:** Mark Naugle, Rules and Risk Management Manager

(For additional background information, see Commission meeting minutes for September 9, 2000, pages 15-16.)

Affected rules include:

R12-4-121. Big Game Permit or Tag Transfer  
R12-4-402. Live Wildlife; prohibited acts  
R12-4-409. General Provisions and Penalties for Special Licenses  
R12-4-413. Private Game Farm License  
R12-4-418. Scientific Collecting Permit  
R12-4-420. Zoo License  
R12-4-421. Wildlife Service License  
R12-4-423. Wildlife Rehabilitation License  
R12-4-424. White Amur Stocking License

If the rules are adopted by the Commission and subsequently approved by the Governor's Regulatory Review Council, the rules will become effective July 1, 2001.

**Motion:** Manning moved and Golightly seconded THAT THE COMMISSION VOTE TO ADOPT R12-4-121, R12-4-402, R12-4-409, R12-4-413, R12-4-418, R12-4-420, R12-4-421, R12-4-423 AND R12-4-424 AS PROPOSED, AND FILE NOTICE OF FINAL RULEMAKING WITH THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

\* \* \* \* \*

9. Call to the Public

There were no comments.

\* \* \* \* \*

Meeting recessed at 10:12 a.m.

Meeting reconvened 10:25 a.m.

\* \* \* \* \*

17. Commissioners' Reports

Commissioner Golightly spent time working on shooting range issues in northern Arizona. He chaired the State Habitat Partnership Committee meeting yesterday. It is anticipated that over \$1 million would be allocated in the spring for habitat work in the state. There were nine committees currently meeting in the state.

Commissioner Manning attended the Commission meeting in Holbrook regarding elk problems in that part of the state. He met with a rancher in Springerville regarding road closures and access onto public land. He attended Senate committee confirmation hearings at the Capitol for Commissioners Gilstrap and Chilton.

Commissioner Chilton thanked the Yuma Valley Rod and Gun Club for support given to her in the past month. She hoped to build cooperative agreements and alliances between ranchers and hunters and recreationists. She attended meetings in the Legislature.

Chairman Gilstrap attended the Commission meeting in Holbrook and the WAFWA mid-winter business meeting in San Diego. He attended a portion of the Forest Summit. The Summit focused on the challenges in Arizona regarding the potential loss of communities via fire and actions that could be taken by agencies. Steps need to be taken to reduce the danger of fire in an interface area.

\* \* \* \* \*

#### 18. Approval of Minutes

**Motion:** Manning moved and Golightly seconded THAT THE COMMISSION APPROVE THE MINUTES FOR OCTOBER 12, 2000, NOVEMBER 20, 2000 AND DECEMBER 8, 2000.

**Vote:** Manning, Golightly and Chilton – Aye  
Chair voted Aye  
Carter – Absent  
Motion carried

The minutes for October 19-21, 2000 were signed.

\* \* \* \* \*

Meeting recessed 10:41 a.m.

Meeting reconvened 12:02 p.m.

\* \* \* \* \*

When the meeting reconvened, Chairman Gilstrap introduced Commissioner Carter, Director Shroufe and Deputy Director Ferrell.

#### 8. The Commission will be Accepting Public Comment on the Department's *Wildlife 2006* Strategic Plan and will be Asked to Vote to Approve the Plan

**Presenter:** Terry Johnson, Nongame Branch Chief

(For additional background information, see minutes for the November 20, 2000 Commission meeting.)

Bruce Taubert, Assistant Director for Wildlife Management, gave introductory remarks. He noted he was the sponsor of the committee; Mr. Johnson was the leader of the team. Team members were named.

Mr. Johnson started discussion of the Strategic Plan (Plan). The processes by which the Plan was assembled and the potential impacts of the decision to approve or not approve the Plan were described. Visual aids were used to describe the core processes in the lines of business, and the relationship of strategic planning to other planning processes.

Pursuant to the November 20, 2000, meeting, a revised Plan was disseminated to the public in mid-December for comment. The Department analyzed public comment that was received up to 5:00 p.m. yesterday and prepared a draft comment analysis that was available to the public today. Additional public comment will be accepted today and analyzed immediately for discussion today.

The public comment evaluation was reviewed.

Commissioner Manning asked what the term “enlibra” means? Mr. Johnson stated that it means the commitment to partnerships, open government processes that include local interests as well as national interests, opportunities for people to get their agendas on the table, and use the strengths of logic, reason and data to win their point and to do it in a collaborative process that really does enable people to identify and resolve conflicts openly and honestly.

Mr. Johnson noted one comment requested the Plan be expanded to address all Department conservation activity. The Department recommended that neither the enlibra nor the commitment to partnership text be modified or reduced. The Commission was asked to give guidance regarding the text as written on commitment to partnerships and expansion of the document to address in more detail conservation activities. The Commission agreed to retain the text as is and to inject more text on basic conservation activities.

Commissioner Carter further discussed the enlibra issue. He referenced the Introduction and the endorsement of balance and stewardship as related to resolving natural resource conflicts and economic development. He asked what the interpretation of “balance” and “stewardship” was in this context. Mr. Johnson stated the direction would be to determine what the land could sustain and the levels of recreational activities desired, the levels of recreational desires the Department could meet and to identify the impacts on the local landowners and other involved individuals and entities. A balance should be achieved that at least meets part of the obligations in all of those directions. It may mean that in a given area one or several multiple uses may be given preeminence through the process of finding balance.

Mr. Johnson stated there would be a modest expansion of one page to address conservation and the commitment to partnerships would be retained in the Plan.

Public comment was received regarding the Plan’s deficiency in addressing nongame and no mention of the Mexican wolf. Mr. Johnson stated nongame issues apply to the three subprograms covered in the Plan. If every nongame species were identified, there would be over 700 species in the Plan. The Mexican wolf issue falls under the Department’s mission statement, goals and objectives, strategies of reintroduction (12-step) process and operational plans; these things are empowered by the Plan. Chairman Gilstrap noted there was a need for the public not to confuse a strategic plan with an operational plan.

Public comment was received that tribal members pay the same excise taxes that support PR-DJ/Wallop-Breaux funding that goes to the states but have never received any of the funding benefits. Initiating cost-share funding for projects that benefit habitat conservation across borders would benefit all wildlife and various users. The Commission was asked to provide guidance on whether the Plan should be modified to address this comment. Mr. Johnson stated that if the issue were injected into the Plan, it would be appropriate to identify strategy to work with the tribal authorities. Director Shroufe stated that if the issue were addressed in the Plan, he advised extension of the direction that the Commission has given the Department since the late 1980s; i.e., to seek signatures on MOUs with various tribes and nations. Through that general MOU, programs could be initiated using joint funding. This was currently being done. Mr. Johnson added that appropriate contribution was provided to the effort and the Plan did not need to have any revision. Presently, tribal governments were treated in the agreement at the same level as other governmental agencies. Commissioner Carter did not see the need to address specifics in a strategic plan.

Strategy C under Challenge 5, Partnerships (p. 13) would be revised to include “tribes” in the statement.

Comments received from the Arizona Antelope Foundation (AAF) referencing pages 30-31 of the Plan regarding establishment of pronghorn populations in suitable but unoccupied habitat were discussed. Commissioner Golightly suggested putting aside those comments for now and meet with the AAF in the next few months to find out what they want to bring to the Commission in lieu of aggressive transplants. He was not prepared to put anything into the Plan. The other Commissioners agreed not to modify the Plan.

\* \* \* \* \*

#### 11. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Leonard Ordway, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

\* \* \* \* \*

#### 8. The Commission will be Accepting Public Comment on the Department's *Wildlife 2006* Strategic Plan and will be Asked to Vote to Approve the Plan – cont'd.

Review of public comment evaluation continued.

Regarding a comment to establish a higher priority for band-tailed pigeon management, the Commission agreed to not revise the Plan.

\* \* \* \* \*

Meeting recessed 1:44 p.m.

Meeting reconvened 1:55 p.m.

\* \* \* \* \*



Review of public comment evaluation continued.

Commission guidance was requested regarding a comment that was made regarding interpretive signs providing information on traditional and cultural importance and uses of plants/animals to Arizona tribes. The consensus of the Commission was not to revise the Plan to address this comment. The focus needed to be kept on wildlife.

Mr. Johnson stated four more letters had been received this morning on the Plan. These letters were made part of the record and comments were considered.

The major differences between the *Wildlife 2000 Strategic Plan* and *Wildlife 2006 Strategic Plan* were noted by Mr. Johnson. He stated 2006 was a slightly shorter document and there were statements referencing a commitment to partnerships. There was an infusion of overt statements of “property owners”, “landowners”, “leaseholders”; those words appear more in the Plan. Mitigating words, e.g., “where appropriate and economically feasible”, appear more in the new mission statements than in the previous Plan. The Department is more overt in its statement in working toward greater recreational opportunities, both consumptive and nonconsumptive in 2006 than in 2000. The Department is overt in several areas about trying to insure “respectfulness” of private property rights. There is a glossary in 2006.

**Members of the public providing comment:**

Sandy Bahr, representing the Sierra Club-Grand Canyon Chapter, agreed that nongame wildlife was given less attention. Ecologically and economically, it makes sense to try to address more nongame species before they are listed on the federal Endangered Species List. Objection was made in the change in the Mission Statement for nongame wildlife on page 77, as it related to the insertion of the words, “where appropriate and economically feasible”. There were a number of reasons for the objection.

1. The phrase does not appear in the section related to game species, so the Department is furthering a double standard and making nongame wildlife the poor stepchildren of the Department.
2. Agencies can always use the lack of resources as an excuse not to do something
3. The Department does this to some degree on a regular basis with its budgeting process; therefore, it is unnecessary and gratuitous to insert it in this section only.

The Department should look more closely at the impact of non-native sportfish on native fishes. There should be more protection and reestablishment of the state’s native fishes.

A suggestion was made to insert words on page 13 under Strategy A, “where possible” prior to “Collaboratively...”. There was an objection to the prominence of property owners and lessees in this document over other public groups; this was not a livestock management document.

The objective of maintaining one black bear per square mile of high quality bear habitat was eliminated, yet there was no explanation. It would be helpful to have explanations on this. Also, the plan to increase pronghorn populations needed to be explained. A

question was raised with regard to the Department no longer proposing to coordinate with the Coronado National Forest regarding the Mearns' quail. Also opposed was the language on page 58 that would open the door for introducing more non-native bird species. It was inappropriate to include the word "enlibra" in the Plan; it was a Western Governors' Association fad. The word does not appear in any dictionary and is meaningless to most of the public. There is an overt emphasis on partnering; there are some areas where it does not work because of conflicts. Sometimes, there cannot be a stakeholder group to address an issue. If the reason for not giving nongame more emphasis is one of resources, the Sierra Club would challenge the Commission to work with people to find more resources for nongame species management.

Commissioner Manning stated that his intention and understanding that "when appropriate and economically feasible" would be inserted into the Big Game Management Plan on page 23. Only the words "where appropriate" were inserted.

Commissioner Carter noted that the Department and Commission have been aggressive in trying to identify and seek additional funding for a wide array of programs, including endangered species block grant programs. With regard to partnering, the Commission and Department have done that and inclusion in the Plan is an affirmation of an ongoing program. Ms. Bahr added that the concern was an over-emphasis on partnering and that science and doing what is best for wildlife will take a back seat.

Julie Sherman, Executive Director of the Arizona Heritage Alliance, expressed the same concern as Ms. Bahr related to the emphasis in the Plan on partnering. Not all wildlife management can be done through partnerships. She encouraged the Commission to revise the document so that it doesn't read like the Department has to do a stakeholder or partnership process, but to look at a science-based management approach and when it is appropriate, do stakeholder-partnership processes. There has been a lot of public comment related to nongame wildlife and she wondered why the Plan had not been revised to reflect that direction and there have been no changes to strengthen that area of the document. The AHA opposed the phrase, "where appropriate and economically feasible" in the Plan. It was a ubiquitous term and could be troublesome in the future. A final concern was in regards to the Plan simultaneously asking for appropriateness and economic feasibility assessment at the same time suggesting that more money be spent on introducing exotic species. Exotic species are a problem as a wildlife management issue.

Chairman Gilstrap was taken aback about the statements made by Ms. Bahr and Ms. Sherman related to partnering and that science should be used in wildlife management decisions. Ms. Sherman stated a stakeholder or partnering process was different from asking the public its opinion on an issue. Partnering, to her, meant involvement by a particular group that is impacted by an issue, and allowing them to reach a decision with the Commission. Chairman Gilstrap stated that information was sought in a specific area with a specific partner in order to have balance and then to use the appropriate science. Ms. Sherman believed the difference involved the degree of participation and the amount of influence in a process.

Don Farmer, representing the Arizona Wildlife Federation (AWF), focused on the more popular game species, e.g., mule deer, Coue's whitetail deer, elk and antelope. He saw their populations trending downward. In the development of the operational plans, he hoped there would be some proactive programs that would change that trend. He did not

want the Department's Mission Statement changed. The added verbiage in the Wildlife Management program goals reiterates the previous verbiage and should probably be deleted. The AWF was concerned about the embracing of enlibra. He urged the Commission that if it were not intimately familiar with what the term represented, it should not use the word. He noted the people who embraced "enlibra" attended the Western Governors' Association meeting; those people were People for the West, People for the U.S.A and their successors; private property rights extremists and takings proponents. If the citizens of Arizona paid for wildlife damage on private property, all of the wildlife management monies would be exhausted in a very short fashion.

Mr. Johnson noted enlibra was used on pages 2, 3, and 4. Commissioners Manning and Golightly agreed about its vagueness. Commissioner Chilton stated the governors at the Western Governors' Conference worked up a doctrine that essentially stated that the western states want an opportunity to have a voice in the control of their own resources, i.e., wildlife resources. If she understood it correctly, enlibra was an effort by the western governors to say that each state has the right to make decisions. The term meant, "in balance." An attempt was made to balance the states' abilities to control resources and the encroachment of the federal government in trying to control resources of the states.

Mr. Farmer stated that AWF was on record against takings for wildlife and against the transfer of federal lands to the state.

Commissioner Golightly did not think that binding the public to the government in resource decision making would be beneficial to wildlife.

Mike Seidman, representing the Sky Island Alliance, stated that the serious defect in the *Wildlife 2006* survey was a lack of space for assessment of the Department's general purpose. He stated his prior comments fell through the cracks. He summarized his written comments. He thought the state's wildlife department was seen as a service industry; a business like any other—the business being the production of wildlife for people. This was an outmoded mission in a world of human expansion that was pushing other species off the planet. To be relevant in the 21<sup>st</sup> Century, a wildlife agency must clearly address the threats to the natural world by an ever expanding and inquisitive human population. It was time to re-organize the state wildlife agency and to put it in touch with contemporary conservation concerns and new positions that value the protection of biodiversity more and the hunting of big game less. The Department should regulate hunting, not promote it. The Department should be directed primarily by conservation biologists whose priority would be the restoration of wildlife habitat and the reduction of human activities that degrade habitat. The social commitment of the Department should be to educate people to respect use of the land. With some exceptions, limiting activities is generally resisted by traditional users of the land who deny their negative impacts or believe that the social benefits of their activities outweigh any environmental costs. A deep gap separated conservationists and most traditional land users; a gap that may not be crossed by collaborative efforts. Rural land uses are only part of the conservation problem; urbanites are also consumptive users of the land. While rural folks must find livelihoods that are harmonious with complete and functioning ecosystems, city dwellers must learn to limit their appetites and to reduce the degree of resource extraction.

Bobbie Holaday, representing self, previously submitted comments. She noted the emphasis on game species in the Plan. She cited page 60 in the Plan where the Department encouraged an annual harvest of 50,000 coyotes; this exceeds the 45,000 reported in 1999. She thought this figure would appall members of the nonconsumptive public; not everyone saw coyotes as vermin that needed to be extinguished. She opposed the figure and hoped it would be revised. Tice Supplee, Game Branch Chief, noted that in terms of harvest history and viable coyote populations, 50,000 was a very reasonable objective. Ms. Holaday understood that sometime this summer, the three-year review of the Mexican wolf reintroduction program would occur. Support for this program should be continued.

Dave Lukens, representing the Western Game Bird Alliance, was concerned that there was a move to combat federal agencies that were trying to reduce U.S. Forest Service grazing AUMs. He cited various things that were occurring within the state to fight federal reductions on grazing. If the meaning of enlibra was unclear, he suggested deleting it from the Plan. If the Department was already doing enlibra, it should not be in the Plan; it was confusing to most people. He suggested improving the habitat to support antelope before transplanting occurred. A reference was made to pages 48-49 in the current Plan. Mr. Lukens noted that at the November 20, 2000 meeting in Tucson, under Mearns' quail specific species strategies, the only change that was offered was that 6" would be added because that was what was desired; however, Commissioner Chilton suggested using "big grasses". Mr. Lukens thought that the change would be made. Instead, in the second draft, in the entire species specific strategy, all the guidelines for Mearns' quail were removed. This was not what the Department said it was going to do. He suggested reverting back to what was in the original draft Plan with the insertion of 6". Commissioner Chilton noted that at the December meeting, a presentation was made about the Mearns' quail research study. Tice Supplee, Game Branch Chief, stated language could be refined to more clearly state a commitment to develop an operational document that would incorporate specific guidelines that were based on new research and discussions with the Coronado National Forest. This new data and discussions would lead to a revision of the guidelines. She suggested what needed to go into the Plan should be "in cooperation with public and private partners and interested publics, that the Department will develop guidelines for Mearns' quail population and habitat management in operational guideline format." Commissioner Carter wanted language that continued the area that was inserted in the first paragraph regarding habitat management. Some language should then be added that relied on the foundation of whatever research documents have been concluded and presented for developing the operational plans and specific habitat needs, rather than going back to specific pieces. Mr. Lukens noted that the Coronado National Forest put the information in its policy (language that was stricken from the second draft of the Department's Plan) and the 6" because the Department emphasized it. He was concerned that if it were removed from the Plan, the Forest Service would remove it from its policy. Commissioner Chilton suggested adding something similar to "as informed by Game and Fish Department research." It was not the Department's business to tell the Forest Service what to do; it was the Department's business to put forth its research as data and information that should be the scientific foundation for group decision making. Commissioner Carter stated that the Commission and Department needed to work aggressively during the next few years towards a transition that truly makes this a strategic plan and that detailed documentation should get into operational plans.

Anita MacFarlane, representing self, had concerns. One of the main concerns was spending too much time forming partnerships; Department staff should be managing wildlife. The Commission should express its support of nongame and nonconsumptive groups. She was also concerned about enlibra; if the Commission did not understand it, why put it into the Plan. On page 77, "when appropriate and economically feasible" was used in the nongame mission statement. Ms. MacFarlane saw no reason to have that in there. The public needed to know that the Commission would support the Department when it started managing on an ecosystem basis and that all species would be included. She objected to introducing more non-native game birds and non-native fish because their impacts are unknown, especially in improper habitats. Regarding declining antelope herds, she did not agree that more antelope should be brought in when there was not adequate habitat to support what was now in the state. There are times when science determines what is done with species, not partnerships.

Ken Meadors, past president of the Arizona Desert Bighorn Sheep Society (ADBSS), presented concerns of the ADBSS. He was confused about enlibra. He cited page 36 (bighorn sheep management strategies). Under Species Specific Management, 1.3.5 was deleted (Improve habitat conditions through water development and other habitat enhancement methods) and replaced with the more general statement, "Manage and enhance habitats through partnerships with public agencies, property owners and lessees, and wildlife conservation organizations." There was a problem with the deletion of the water development statement. The Department needed to take a stance on the water issue. There was concern about additional wording on game species goals. Each goal states that adverse impacts would be avoided of habitats of other wildlife. Commissioner Chilton agreed with Mr. Meadors' concern with the deletion of water developments. This implied that the Commission did not want water developments. She suggested stating, "Manage and enhance habitats, specifically including water developments through partnerships with public agencies, ...". Mr. Meadors agreed with the wording.

**Motion:** Chilton moved and Manning seconded THAT THE COMMISSION INSERT SPECIFIC COMMENTS REGARDING WATER DEVELOPMENTS AS REQUESTED. WHERE IT STATES, "MANAGE AND ENHANCE HABITATS" INSERT THE WORDS "SPECIFICALLY INCLUDING WATER DEVELOPMENTS."

Commissioner Manning asked Commissioner Chilton if she would MODIFY THE MOTION TO INCLUDE PAST, PRESENT AND FUTURE WATER DEVELOPMENTS AND MAINTENANCE. Commissioner Chilton agreed to the modification.

Mr. Meadors noted added wording in Goal 1.1, "...or the habitat of other wildlife". Although this may be politically correct, the additional language could be used as an instrument to stop big game efforts because of unfounded or obscure endangered or threatened species concerns. This issue needed to be addressed.

Mr. Meadors stated the draft Plan makes an effort to identify the total recreational benefits of big game programs. It was not just the hunter days in the field but total recreational days, which would include things like scouting, packing, and assistance of other people. The Department needs to better present the quality and total recreational benefits to justify these programs to Arizona's changing population dynamics and their views towards hunting.

Mr. Meadors was dissatisfied with the lack of separation between Rocky Mountain and desert bighorn sheep. They are both separate in habitat and species. Numbers and objectives should be separate for the two. Tice Supplee, Game Branch Chief, stated that if there was a split for the two, as related to the format for a high level of detail for the big game species, the Department would be looking at numbers that would be infinitesimal for Rocky Mountain bighorn sheep in terms of displaying harvest and population estimates. There was a small population of Rocky Mountain sheep. Currently, there was an overall objective statement in the document that bighorn sheep populations would be increased to 7500; current state estimate is 6500. It is not specific as to which subspecies would be targeted. She would be more comfortable with a specific strategy with the addition to "assess Rocky Mountain sheep transplants and the expansion of the Rocky Mountain population" without putting it on merits. Current concern is to put the animals where they would be successful.

The additional wording in Goal 1.1 under Bighorn Sheep was revisited. The underscored wording should be deleted. Mr. Johnson noted there should be clarification to delete the wording only for bighorn sheep because the wording was inserted in November in response to Commission discussion on all of the ungulates, and perhaps all big game species. Mr. Johnson noted all the requirements and documents the Department must comply with in assessing whether there are negative impacts on other wildlife. Absent this phrase in the Plan, this is something that the Department does any way because it is required to do so. There was consensus to delete the phrase from all ungulates.

Mr. Meadors wondered how the Commission would be able to vote to approve or disapprove this document today with all of the public comment received.

Warren Leek, representing the Arizona Antelope Foundation (AAF), wanted to get an aggressive grassland management and acquisition program going, specifically by trying to get the Department to acquire, through ownership or conservation easements, 50,000 acres (10% gain) of high or medium quality habitat. The AAF looked at the Plan and saw lack of specificity in the Plan and wanted to push the Department beyond the status quo, especially for antelope. The AAF would like to discuss getting a specific plan to address needs of antelope in Arizona with the Commission and the Department. Regarding the goals for the statewide population (8,250-10,000), this was seen as maintaining the status quo. Rather than maintain a statewide population at that range, the population should be increased to 15,000. Regarding the restoration of pronghorn to vacant habitat, the AAF supported transplants of pronghorn. Regarding the Sonoran pronghorn, the Cabeza Prieta NWR is being managed for wilderness values at this point and the AAF was pushing for establishment of another herd that would not be dependent upon the Cabeza to exist. Heritage funds could be used to make that happen. The AAF supported doing a predator study and conducting a possible predator reduction prior to transplanting pronghorn. Members of the Commission and Department staff were invited to attend the next AAF meeting (second Monday of every month at 6:30 PM in Phoenix). Mr. Leek stated a letter of invitation would be sent to Commissioner Gilstrap since he lived in Phoenix. The AAF would like to see an operational plan developed for pronghorn.

Mr. Adkins reminded the Commission about the motion on the table.

Commissioner Carter asked what was unique about this change vs. all the other changes that would be addressed. He asked if the Commission wanted to withdraw the

motion and deal with the issue in development of language for the other processes. Commissioner Chilton noted that the statement "water development" was specifically deleted for bighorn sheep and observed this was not the case for other species in the Plan. Commissioner Manning noted the critical dependence of water by bighorn sheep. Without water developments, the herds would disappear. Commissioner Chilton thought the direction could be given to the Department to check for places where there was an accidental strike out of the maintenance and development of water facilities for other wildlife species.

**Vote on Modified Motion:** Manning, Golightly, and Chilton – Aye  
Chair voted Aye  
Carter voted Nay

Commissioner Carter explained his vote in that he stood behind addressing the issue but did not think it was any more important than any of the others.

\* \* \* \* \*

Meeting recessed 4:25 p.m.

Meeting reconvened 4:43 p.m.

\* \* \* \* \*

Today's modifications to the Plan were reviewed by Department staff.

1. On page 4 of the public comment summary, insert text as a modest expansion to identify the conservation activities that the agency is involved in, i.e., NEPA compliance, project review, and plan monitoring, etc. A modest 1-2 page enhancement was discussed as a corollary to the partnership language in the Plan. The partnership and enlibra statement would remain unchanged.

This modification was further discussed. Commissioner Carter stated that if modifications were more than one or two sentences, he would not be able to vote on the Plan today. Commissioner Manning felt uncomfortable with any references to enlibra. Commissioner Chilton agreed with Commissioner Carter. She did not want to vote on unseen pages of revised text. Commissioner Golightly suggested striking any references of enlibra in the Plan. Commissioner Chilton referenced the second paragraph on page 4. She asked that the Commission read the first sentence without "Enlibra endorses" to see if it agreed with the rest of the sentence since that was what enlibra meant. Commissioner Golightly suggested deleting enlibra in the first paragraph and directing the Department to participate and collaborate with citizens and governments in resource decision making. Commissioner Carter noted the commitment of the Commission with regard to partnerships. If, in fact, enlibra is the same process, why was there a need to restate partnerships in terms of the entire contents of the enlibra component. He suggested removing the enlibra sections since enlibra was already addressed in the Commission's attempts to deal with partnerships.

Commissioner Manning recollected that at the November meeting, the phrase, "when practical and economically feasible" was throughout the document. He asked that that section be consistent with the rest of the Plan to contain "when practical and economically feasible". He was concerned

about this. Mr. Johnson stated that the reverse was true and both the written record and the tape confirm that. When the motion was on the floor on that particular issue, he asked specifically if the Commission intended the game mission statement to be different than the nongame, and the Commission stated affirmative. The Commission did not address the mission statement in the sport-fish section. In the preamble to the document, no changes were made in the mission statement. Where the issue was addressed in the challenges, “where appropriate and economically feasible” was inserted by Commissioner Carter’s motion. The phrase was treated several different ways in the document, but each one of them was what the Commission asked the Department to do either by overt direction or by not addressing it at that point in the Plan.

Mr. Johnson referred to the need to modify or not modify enlibra in the commitment of partnerships. Direction was to put a period at the end of “And so we will” in the fifth full paragraph on page 3. The rest of the enlibra package would be deleted (underlined). Enlibra would be eliminated from other places in the document as well.

A 1-2 page enhancement to partnership language would not be added to the Plan.

2. There would be no change on page 6 of the public comment document.
3. Referencing page 8 of the public comment document for page 13 of the Plan, under Challenge 5. Partnerships (Strategy B), “rural” would be inserted to follow the word “urban”.
4. Referencing page 8 of the public comment document for page 13 of the Plan, under Challenge 5, Partnerships (Strategy C), tribes would be inserted to follow the word “states”.
5. Referencing page 14 of the public comment document for page 36 of the Plan, one change to be made would reflect the earlier motion by the Commission.
6. Referencing page 14 of the public comment document for page 36 of the Plan, another change would be to insert a new species specific strategy that states, “Evaluate transplant sites for Rocky Mountain bighorn sheep and implement further transplants as appropriate.”
7. Species Specific Strategy 1.3.5, on page 36, “Develop, maintain, manage and enhance habitats to specifically include new and existing water catchments through partnerships with public agencies, property owners and lessees, and wildlife conservation organizations.
8. On page 36, the phrase, “or the habitat of other wildlife” would be deleted for all species in which it occurred.
9. Referencing page 15 of the public comment document for page 48 of the Plan, the current species specific strategy language for 1. would be revised to read, “In cooperation with public and private partners, develop guidelines using the most recent Game and Fish research for Mearns’ quail population and habitat management.” A second strategy would be, “Coordinate with the Coronado National Forest to insure that Mearns’ quail population potential is achieved through enforcement of current standards and guidelines for high quality Mearns’ quail habitat until new guidelines are adopted.”
10. Referencing page 16 of the public comment document for pages 53-55 of the Plan, no changes would be made to the Plan.



11. Referencing page 18 of the public comment document for the sportfish management subprogram, a strategy would be added regarding identification of "streamside incubators..."
12. Referencing page 18 of the public comment document for the sportfish management subprogram, no change would be made in the Plan as suggested by the second comment.
13. Referencing page 20 of the public comment document for page 71 of the Plan, a paragraph would be developed to address the importance of nonconsumptive use of nongame reptiles and amphibians and insert that into the text.
14. Referencing page 22 of the public comment document for page 79 of the Plan, no changes would be made to the Plan.
15. Referencing page 24 of the public comment document for page 81 of the Plan, no changes would be made to the Plan.
16. The Game Management mission statement should be the same as the Nongame mission statement that reads, "when appropriate and economically feasible." The same mission statement will be used for sportfish management. Discussion occurred regarding the use of "when" or "where". The decision was to use "when appropriate and economically feasible."

Commissioner Golightly referenced page 2 of the Plan, "ARS 17-102, Most wildlife in Arizona is the property of the State." He wanted to add, "to be managed as a public trust for the benefit of all its citizens." He also cited ARS 17-231, to be changed to read, "The Commission shall". After further discussion, there were no changes made in either citation.

Commissioner Carter was concerned that interpretation of policies, and sometimes interpretation of the law on lands under the jurisdiction of federal agencies, have resulted in the impedance of the Commission's and partners' abilities to do things that benefit wildlife. He hoped that issue could be added under Challenge 6 (Laws and Legal Considerations) on page 14. A new strategy could be added, "Identify areas of the state where policies, rules and laws established by other entities impede wildlife habitat, maintenance and improvement, and develop and implement strategies to achieve the desired objectives." Commissioner Carter believed this takes it much farther than the single species/single item issue and takes it to a higher level. The Department will decide the placement of the new language. The Commission agreed to the stated language.

**Motion:** Manning moved and Carter seconded THAT WITH THE CHANGES, DELETIONS AND INSERTIONS AS PRESENTED TODAY BE INCLUDED IN THE FINAL DRAFT OF WILDLIFE 2006 STRATEGIC PLAN FOR THE ARIZONA GAME AND FISH DEPARTMENT AND BE ADOPTED AS MODIFIED.

**Vote:** Unanimous

\* \* \* \* \*

## 7. State and Federal Legislation

**Presenter:** Richard Stephenson, Legislative Liaison

Mr. Stephenson introduced Stephanie Hester who would be his assistant during this legislative session.

H2038: Revises Technical Corrections – This would repeal ARS §17-273 (Shooting Range Relocation Fund). The Commission would not get any appropriated money for shooting ranges. The Department will monitor.

H2234: DUI; Blood Alcohol Level – changes blood alcohol OUI level to .08. H. 2039, another DUI bill, would repeal a person's driver's license if convicted of a DUI while operating watercraft. The Department will closely monitor all watercraft OUI bills.

H2225: Watercraft violations – Affects Title 5; proposes that the most egregious offenses to be Class 2 misdemeanors and all other violations would be petty offenses. This would alleviate the courts of a lot of contested citations. People would be required to just pay a fine and would include all Game and Fish rules promulgated under Title 5. Commission supported.

H2212: Appropriation of federal monies – Commission opposed.

Mr. Stephenson noted there was a bill scheduled to be introduced next week that would address hunting contests. The current statute (ARS §17-238) was read. The new language states that the Commission may adopt rules and issue licenses for pre-arranged and formally organized hunting events that offer or award prizes for the taking of wildlife. Senator Guenther is the sponsor; the Commission supports.

There have been attempts to try to require operators of watercraft to receive training and be licensed. Senator Nichols intends to introduce the bill. He asked for the agency's assistance in crafting a bill. The bill would require operators of personal watercraft, born after 1991, to be licensed by the Game and Fish Department. Mr. Stephenson noted there was \$3 million in the Watercraft Licensing Fund. The annual cost to the agency to run the program was estimated by Department personnel to be \$15,00-\$25,000. The establishment of criteria for the license would be up to the agency. The Commission supported.

\* \* \* \* \*

#### 16. Director's Report

This item was deferred due to the length of the meeting.

\* \* \* \* \*

#### 17. Commissioners' Report – (cont'd.)

Commissioner Carter gave no report due to the length of the meeting.

\* \* \* \* \*

#### 19. Election of Officers

**Motion:** Carter moved and Chilton seconded THAT DENNIS MANNING BE ELECTED AS CHAIRMAN AND THAT MIKE GOLIGHTLY BE ELECTED AS VICE CHAIR.

Commissioners Manning and Golightly are to assume their new duties at 12 noon on Sunday, January 21, 2001.

**Vote:** Unanimous

\* \* \* \* \*

20. Future Agenda Items

Commissioner Manning wanted an agenda item dealing with a solution for access to the Cowan property access to be coordinated with the State Land Department.

Commissioner Carter wanted a discussion regarding forest health issues and a Commission resolution to address a coordinated effort from a wildlife perspective.

Also on the February agenda would be discussion and Commission direction to the Department to take the lead in organizing an initial meeting of stakeholders in the invasive species issue.

\* \* \* \* \*

**Motion:** Carter moved and Manning seconded THAT THE MEETING ADJOURN.

**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 6:18 p.m.

\* \* \* \* \*